Supreme Court, U.S.
FILED

091216 OCT 7 - 2009

OFFICE OF THE CLERK

No.

In The
Supreme Court of the United States

October Term, 2009

LATIA M. JONES

Petitioner,

V.

SUPERIOR PROTECTION SERVICES, INC.,
A/K/A SUPERIOR SECURITY SERVICES,

Respondents,

ON PETITION FOR WRIT OF CERTIORARI FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

LATIA JONES
Pro Se
8600 South Course Dr. #2211
Houston, TX 77099
(713) 259-2984

QUESTIONS PRESENTED FOR REVIEW

(1) Whether the Court should hold *Pro Se* pleadings to the same stringent and rigorous standards as lawyers

PARTIES TO THE PRECEEDINGS

LaTia Jones the petitioner, she is the plaintiff in the District Court and the Unites States Court of Appeals. She brings this action on her own behalf. The Respondents are Superior Protection Inc.; they were defendants in the District Court and appellants in the Court of Appeals.

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CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

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In The
Supreme Court of the United States

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions this Honorable Court for a writ of certiorari to review the order denying a motion to stay or recall an order issued on July 29, 2009 by the Fifth Circuit Court of Appeals.

OPINIONS BELOW

The unpublished mandate of the Fifth Circuit Court of Appeals was filed on July 7, 2009 and is attached as Appendix D. Appellant's motion to stay the mandate is attached as Appendix E. The one-page order denying

review is also attached as Appendix F.

JURISDICTION

The Judgment was entered on July 7, 2009. A "MOTION TO STAY MANDATE PENDING FILING OF PETITION FOR CERTIORARI" was denied on July 29, 2009. The petitioner seeks review of this judgment by the highest court in which a decision could be had and invokes this Honorable Court's jurisdiction under U.S.C. 28 § 1254 (1), and Sup. Ct. R. 10 (c).

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

28 U.S.C 1254 (1) mandates that:

> *"By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."*

STATEMENT OF THE CASE

I. FACTUAL BACKGROUND

On May 19, 2009, Latia Jones' ("Jones") Appeal was sent to the Fifth Circuit Court Of Appeals. On July 7, 2009 a mandate was issued by, HIGGINBOTHAM, SMITH, AND SOUTHWICK Circuit Judges PER CURIAM. On July 22, 2009, Jones sought relief from this order through a motion to the court for a stay pending the filing of a petition for writ of certiorari. On July 29, 2009, Judge Jerry E. Smith DENIED Jones' motion.

II. PRECEEDINGS BELOW

A. DISTRICT COURT

"Final Judgment" was issued on February 9, 2009. On March 1, 2009 Jones requested a 30-day extension to

file her notice of appeal. Jones' 30-Day extension request was GRANTED; she had until April 10, 2009 to file her notice of appeal. On April 10, 2009 Jones filed her notice of appeal. *Hyn Min Park v Michael Houston, District Director Immigration and Naturalization Service; Janet Reno Attorney General Of The United States 245 F.3d 665 (8th Cir. 2001).* On May19, 2009 Jones' appeal was forwarded to the Fifth Circuit Court Of Appeals. *Kopp v. Dir., Office of Worker's Comp. Programs, 877 F.2d 307, 309 (4th Cir. 1989)*

B. THE COURT OF APPEALS

On July 7, 2009 a mandate was issued ordering dismissal of Jones' appeal for lack of

jurisdiction citing Bowels v Russell, *127 S. Ct. 2360, 2366, (2007)*. On July 22, 2009 Jones submitted a Motion To Stay the Mandate Pending Filing of Petition for Certiorari. On July 29, 2009 Jones' Motion for Recall and Stay of the Mandate was DENIED by Judge Jerry E. Smith.

REASONS FOR GRANTING REVIEW

I. INTRODUCTION

The petitioner seeks review of The Fifth Circuit Court Of Appeals order issued on July 29, 2009; denying a motion to stay or recall the mandate pending petition for writ of certiorari. The Courts should show leniency towards *pro se* litigants due to their lack of formal legal training. This case raises important and reoccurring questions when

employment decisions are made based discriminatory purposes.

II. THE COURTS SHOULD SHOW LENIENCY TOWARDS PRO SE LITIGANTS DUE TO THEIR LACK OF FORMAL LEGAL TRAINING

The Courts have long held that *pro se* pleadings are to be read liberally and with leniency. Jones brings this petition on her own behalf without any legal counsel or any formal legal training. *Tannenbaum vs. United States 148 F.3d 1262 (11th Cir. 1998)*. "The law does not entertain the legal fiction that every individual has achieved a state of legal omniscience;..... there is no presumption that all citizens know all of the law all of the time. Practically speaking; citizens must educate themselves about the law." *Grayden vs. Rhodes*

345 F.d 1225 (11th Circuit 09/17/2003). *Pro se* pleadings are not to be held to the same high standards of perfection as lawyers. *Pucket vs. Cox* 456 2nd 233 (6th Cir. 1972). "Where a plaintiff pleads *pro se* in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." *Picking v. Pennsylvania Railway*, 151 F.2d. 240, (3rd Circuit Court of Appeals). Review should be GRANTED.

III. THE CASE REPRESENTS ISSUES OF VITAL IMPORTANCE TO THE PROSECUTION OF TITLE VII ACTIONS

The Civil Rights Laws prohibits all acts of Discrimination against anyone. "It is unlawful to

discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related." Superior ignored this law, and for this cause Review should be GRANTED.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be GRANTED.

Respectfully Submitted,

LATIA JONES
Pro Se

Appendix A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LATIA M. JONES,

PLAINTIFF,

VS. CIVIL ACTION NO. H-07-1355

SUPERIOR PROTECTION SERVICES INC;
aka SUPERIOR SECURITY SERVICES,

DEFENDANT.

FINAL JUDGEMENT

Pursuant to the opinion and order granting Motion for Summary Judgment (Doc. 12), it is hereby ORDERED, ADJUDGED, AND DECREED that defendants Superior Protection Services, Inc., prevail on all claims of Plaintiff Latia Jones.

Plaintiff shall take nothing and shall bear all costs of action.

THIS IS FINAL JUDGEMENT

SIGNED at Houston, Texas this 9th day of February, 2009.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE

Appendix B

March 1, 2009

District Clerk's Office
515 Rusk Street Suite 5300
Houston, TX 77002

RE: 30- DAY EXTENSION REQUEST

District Clerk,

This letter is to inform the court that as of February 19, 2009 Melvin Houston & Associates are no longer the legal representatives for Latia M. Jones in *CIVIL ACTION #H-07-1355, LATIA JONES VS. SUPERIOR PROTECTION SERVICES, INC., a/k/a SUPERIOR SECURITY SERVICES.* I am

humbly asking the Court to grant a 30-Day Extension to Appeal. The purpose of the extension is to obtain legal representation to replace Melvin Houston & Associates. Your consideration in this matter would be greatly appreciated. For additional comments or questions I can be reached at (713) 259-2984.

Thank You in Advance

LaTia Jones

LJ

Appendix C

FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2009 APR 10 A.M. 9:09
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
FILED
APR 22 2009
MICHAEL N. MILBY,CLERK

IN THE UNTIED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LATIA JONES,

Plaintiff,

VS. CIVIL ACTION NO. H-07-1355

SUPERIOR PROTECTION SERVICES, INC.,
a/k/a SUPERIOR SECURITY SERVICES

Defendant,

A JURY IS DEMANDED

PLAINTIFF JONES'S NOTICE OF APPEAL

Plaintiff LaTia Jones now gives notice that she is appealing the Summary Judgment GRANTED on all counts in favor of the Defendant Superior Protection Services, Inc., on February 09, 2009. In addition to discriminatory employment practices, Superior Protection's representatives Billy Petty, a Harris County Police Officer in the state of Texas; and Retired Police Officer David Brown admitted under oath they recklessly exceeded their scope of authority.

FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2009 APR 10 A.M. 9:09
BY DEPUTY

Information and evidence such as this was

overlooked by the Judge.

Respectfully Submitted,
LaTia Jones (Plaintiff)

Appendix D

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 09-20271

U.S. COURT OF APPEALS
FILED
JUL- 7 2009
CHARLES R. FULBRUGE III,
CLERK

LATIA M. JONES,

Plaintiff-Appellant

v.

SUPERIOR PROTECTION SERVICES, INC., ALSO KNOWN AS SUPERIOR SECURITY SERVICES,

Defendant-Appellee

Appeal from the United States District Court for the Southern District Of Texas, Houston
4:07-CV-1355

Before HIGGINBOTHAM, SMITH AND SOUTHWICK, Circuit Judges. PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. EEOC v. Agro Distribution, LLC 555 F.3d 462, 467 (5th Cir. 2009). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellant Procedure 4(a) (1), the notice of appeal in a civil case must be filled within thirty days of entry judgment. In this employment discrimination action, the district court entered final judgment dismissing the complaint on February 10, 2009. Therefore, the final day for filling a timely appeal was March 12, 2009. On March 4, 2009, the plaintiff filed a motion for extension of time to file her appeal. The district court granted the motion and extended the time

until April 10, 2009. The plaintiff filed her notice of appeal on April 22, 2009. The motion for extension of time to file a notice of appeal does not itself qualify as a notice of appeal. See Harris v. Ballard, 158 F. 3d 1164,1166 (11th Cir. 1998). The time limitation for filing a notice of appeal in a civil case is jurisdictional. Bowles vs. Russell, 127 S. CT. 2360, 2366 (2007). The lack of a timely notice of appeal mandates dismissal of the appeal. Robbins v. Maggio, 750, 405, 408 (5th Cir. 1985).

IT IS SO ORDERED.

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LATIA M. JONES

PLAINTIFF, APPELLANT, NO. 09-20271

VS C.A. NO. H-07-1355

SUPERIOR PROTECTION SERVICES, INC.,
A/K/A SUPERIOR SECURITY SERVICES,

DEFENDANT, APPELLEES

MOTION TO STAY MANDATE PENDING FILING OF PETITION FOR CERTIORARI

NOW COMES, Pro Se plaintiff LaTia Jones

("Plaintiff") Pursuant to Fed. R. App. P. 41(d) (2),

moves for a stay of the Court's mandate in the

above case pending the fiiing of petition to the Supreme Court for a writ of Certiorari. The mandate was issued on July 07, 2009. Plaintiff intends to file a petition for writ of Certiorari within the ninety-days permitted. See Sup. Ct. R. 13 (1). Plaintiff requests a stay that does not exceed the date on which the petition for writ of Certiorari must be filed (October 7, 2009), with a continuance of the stay to follow official notification that the petition has been filed. See Fed. R. App. P. 41 (d) (2). Plaintiff's motion should be GRANTED because her petition for writ of Certiorari, will "present a substantial question ... and there is good cause for stay." Fed. R. App. P. 41(d) (2).

PROCEDUERAL BACKGROUND

On February 9, 2009 Defendants were GRANTED Summary Judgment. Plaintiff's Motion for Extension of time to file an Appeal was GRANTED. Plaintiff filed her Notice of Appeal on April 10, 2009. See Fed. R. App. P. 4 (d), and 3 (e). Plaintiff's Appeal should proceed.

CONCLUSION

Plaintiff prays that the motion to stay the court's mandate be GRANTED, pending the filing of a timely petition for writ of Certiorari. I affirm under the penalties of perjury that the foregoing representations are true.

Respectfully Submitted,
LaTia M. Jones (Plaintiff)
Pro Se
8600 South Course Dr. #2211
Houston, TX 77099
(713) 259-2984
LadyTia1999@aol.com

SWORN TO ME NOTARY PUBLIC
EVERETTE DONEGAN
My Commission Expires
August 6, 2012

APPENDIX F

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 09-20271

U.S. COURT OF APPEALS
FILED
JUL 29 2009
CHARLES R. FULBRUGE III
CLERK

LATIA M. JONES,

Plaintiff-Appellant

v.

SUPERIOR PROTECTION SERVICES, INC., ALSO KNOWN AS SUPERIOR SECURITY SERVICES,

Defendant-Appellee

Appeal from the United States District Court for the Southern District Of Texas, Houston

ORDER:

(**X**) The Appellant's motion for recall and stay mandate

pending petition for writ of certiorari is DENIED.

( ) The Appellant's motion for recall and stay of the

mandate pending petition for writ of certiorari is

GRANTED through _____.

JERRY E. SMITH
UNITED STATES CIRCUIT JUDGE